APPROVED JURISDICTIONAL DETERMINATION FORM U.S. Army Corps of Engineers

This form should be completed by following the instructions provided in Section IV of the JD Form Instructional Guidebook.

SECTION I: BACKGROUND INFORMATION

A. REPORT COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD): 24March2007

B. DISTRICT OFFICE, FILE NAME, AND NUMBER: CESWG, SWG-2007-1925 Wetland Data Point

C.	PRO IFCT I	OCATION	AND BACKGROUND	INFORM ATION:
·	INOUECII	OCALION	AND DACKGROUND	HITCURIVIA LIUIT:

State: Texas County/parish/borough: Harris County City: Humble

Center coordinates of site (lat/long in degree decimal format): Lat. 30.0000° N, Long. 095.2552° W.

Universal Transverse Mercator: 15 282752 E, 332092IN (NAD 83)

Name of nearest waterbody: Un-named tributary to Lake Houston Spillway (West Fork San Jacinto River), approximatly 0.04 mile from the center of wetland.

Name of nearest Traditional Navigable Water (TNW) into which the aquatic resource flows: N/A

Name of watershed or Hydrologic Unit Code (HUC): San Jacinto, 12040104

Check if map/diagram of review area and/or potential jurisdictional areas is/are available upon request.

Check if other sites (e.g., offsite mitigation sites, disposal sites, etc...) are associated with this action and are recorded on a different JD form.

D. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):

Office (Desk) Determination. Date: 31Dec07

Field Determination. Date(s): 19March08

SECTION II: SUMMARY OF FINDINGS

A. RHA SECTION 10 DETERMINATION OF JURISDICTION.

There Are no "navigable waters of the U.S." within Rivers and Harbors Act (RHA) jurisdiction (as defined by 33 CFR part 329) in the review area. [Required]

Waters subject to the ebb and flow of the tide.

Waters are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. Explain:

B. CWA SECTION 404 DETERMINATION OF JURISDICTION.

There Are no "waters of the U.S." within Clean Water Act (CWA) jurisdiction (as defined by 33 CFR part 328) in the review area. [Required]

1. Waters of the U.S.

a	Indicate presence of	f waters of II S	in review gree	(check all that anniv). 1

TNWs, including territorial seas
Wetlands adjacent to TNWs

Relatively permanent waters² (RPWs) that flow directly or indirectly into TNWs

Non-RPWs that flow directly or indirectly into TNWs

Wetlands directly abutting RPWs that flow directly or indirectly into TNWs

Wetlands adjacent to but not directly abutting RPWs that flow directly or indirectly into TNWs

Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs

Impoundments of jurisdictional waters

Isolated (interstate or intrastate) waters, including isolated wetlands

b. Identify (estimate) size of waters of the U.S. in the review area:

Non-wetland waters: linear feet: width (ft) and/or acres.

Wetlands: acres.

c. Limits (boundaries) of jurisdiction based on: Pick List

Elevation of established OHWM (if known):

2. Non-regulated waters/wetlands (check if applicable):3

Potentially jurisdictional waters and/or wetlands were assessed within the review area and determined to be not jurisdictional. Explain: A desk review was conducted on 31 December 2007 which included investigation and review of the documents

Boxes checked below shall be supported by completing the appropriate sections in Section III below.

² For purposes of this form, an RPW is defined as a tributary that is not a TNW and that typically flows year-round or has continuous flow at least "seasonally" (e.g., typically 3 months).

Supporting documentation is presented in Section III.F.

listed in section IV B. The 1995 and 2004 infrared aerial photographs were inconclusive to determine wetland hydrology. The NWI indicated that there were Palusterine Emergent Persistent Temporally Flooded Wetlands within the project site. The FIRM Panel 295 of 1150 shows the tract to be out side of the 100 year flood plain. A site visit was conducted 19 March 2008 in which a wetland that met the three criteria (hydrology, hydric soils, and hydrophytic vegetation) was found as outlined in the 1987 Corps of Engineers Delineation Manual. The nearest water feature is an un-named, man-made upland drainage ditch along the northern boarder of the project site, approximately 0.05 mile away from the wetland and has no hydrologic surface connection to the wetland. This upland non jurisdictional drainage ditch does connect to a historically relative permanent tributary, however the upland drainage ditch does not extend the Ordinary High Water Mark (OHWM) of the un-named tributary and is therefore not subject to Section 404. The wetland is not or could not be used by interstate or foreign travelers for recreation or other purposes, is not or would not be used for industrial purposes by industries in interstate commerce, and is not or could not be used to take fish or shellfish sold in interstate or foreign commerce. No nexus to US waters including adjacent wetlands were found.

SECTION III: CWA ANALYSIS

A. TNWs AND WETLANDS ADJACENT TO TNWs

The agencies will assert jurisdiction over TNWs and wetlands adjacent to TNWs. If the aquatic resource is a TNW, complete Section III.A.1 and Section III.D.1. only; if the aquatic resource is a wetland adjacent to a TNW, complete Sections III.A.1 and 2 and Section III.D.1.; otherwise, see Section III.B below.

1.	TNW Identify TNW:
	Summarize rationale supporting determination:
2.	Wetland adjacent to TNW Summarize rationale supporting conclusion that wetland is "adjacent":

B. CHARACTERISTICS OF TRIBUTARY (THAT IS NOT A TNW) AND ITS ADJACENT WETLANDS (IF ANY):

This section summarizes information regarding characteristics of the tributary and its adjacent wetlands, if any, and it helps determine whether or not the standards for jurisdiction established under Rapanos have been met.

The agencies will assert jurisdiction over non-navigable tributaries of TNWs where the tributaries are "relatively permanent waters" (RPWs), i.e. tributaries that typically flow year-round or have continuous flow at least seasonally (e.g., typically 3 months). A wetland that directly abuts an RPW is also jurisdictional. If the aquatic resource is not a TNW, but has year-round (perennial) flow, skip to Section III.D.2. If the aquatic resource is a wetland directly abutting a tributary with perennial flow, skip to Section III.D.4.

A wetland that is adjacent to but that does not directly abut an RPW requires a significant nexus evaluation. Corps districts and EPA regions will include in the record any available information that documents the existence of a significant nexus between a relatively permanent tributary that is not perennial (and its adjacent wetlands if any) and a traditional navigable water, even though a significant nexus finding is not required as a matter of law.

If the waterbody⁴ is not an RPW, or a wetland directly abutting an RPW, a JD will require additional data to determine if the waterbody has a significant nexus with a TNW. If the tributary has adjacent wetlands, the significant nexus evaluation must consider the tributary in combination with all of its adjacent wetlands. This significant nexus evaluation that combines, for analytical purposes, the tributary and all of its adjacent wetlands is used whether the review area identified in the JD request is the tributary, or its adjacent wetlands, or both. If the JD covers a tributary with adjacent wetlands, complete Section III.B.1 for the tributary, Section III.B.2 for any onsite wetlands, and Section III.B.3 for all wetlands adjacent to that tributary, both onsite and offsite. The determination whether a significant nexus exists is determined in Section III.C below.

1. Characteristics of non-TNWs that flow directly or indirectly into TNW

(i) General Area Conditions:

	Watershed size: Pick List
	Drainage area: Pick List
	Average annual rainfall: inches
	Average annual snowfall: inches
(ii)	Physical Characteristics:
` '	(a) Relationship with TNW:
	Tributary flows directly into TNW.
	Tributary flows through Pick List tributaries before entering TNW.
	Project waters are PickList river miles from TNW.
	Project waters are Pick List river miles from RPW.
	Project waters are Pick List aerial (straight) miles from TNW.
	Project waters are Pick List aerial (straight) miles from RPW.
	Project waters cross or serve as state boundaries. Explain:
	Identify flow route to TNW ⁵ : .
	Tributary stream order, if known:
	,,,,

⁴ Note that the Instructional Guidebook contains additional information regarding swales, ditches, washes, and erosional features generally and in the arid West.

⁵ Flow route can be described by identifying, e.g., tributary a, which flows through the review area, to flow into tributary b, which then flows into TNW.

(b)	General Tributary Characteristics (check all that apply): Tributary is: Natural Artificial (man-made). Explain: Manipulated (man-altered). Explain: .
	Tributary properties with respect to top of bank (estimate): Average width: feet Average depth: feet Average side slopes: Pick List.
	Primary tributary substrate composition (check all that apply): Silts Concrete Cobbles Gravel Muck Bedrock Vegetation. Type/% cover: Other. Explain:
	Tributary condition/stability [e.g., highly eroding, sloughing banks]. Explain: Presence of run/riffle/pool complexes. Explain: Tributary geometry: Pick List Tributary gradient (approximate average slope): %
(c)	Flow: Tributary provides for: Pick List Estimate average number of flow events in review area/year: Pick List Describe flow regime: Other information on duration and volume:
	Surface flow is: Pick List. Characteristics: .
	Subsurface flow: Pick List. Explain findings: Dye (or other) test performed:
	Tributary has (check all that apply): Bed and banks OHWM ⁶ (check all indicators that apply): clear, natural line impressed on the bank changes in the character of soil destruction of terrestrial vegetation shelving the presence of wrack line sediment sorting sediment down, bent, or absent sediment sorting sediment deposition multiple observed or predicted flow events water staining other (list):
	☐ Discontinuous OHWM. ⁷ Explain:
	If factors other than the OHWM were used to determine lateral extent of CWA jurisdiction (check all that apply): High Tide Line indicated by: Oil or scum line along shore objects In fine shell or debris deposits (foreshore) physical markings/characteristics Itidal gauges Other (list): Mean High Water Mark indicated by: Survey to available datum; physical markings; vegetation lines/changes in vegetation types.
Cha	emical Characteristics: aracterize tributary (e.g., water color is clear, discolored, oily film; water quality; general watershed characteristics, etc.) Explain: https://example.com/recommonships/film

(iii)

⁶A natural or man-made discontinuity in the OHWM does not necessarily sever jurisdiction (e.g., where the stream temporarily flows underground, or where the OHWM has been removed by development or agricultural practices). Where there is a break in the OHWM that is unrelated to the waterbody's flow regime (e.g., flow over a rock outcrop or through a culvert), the agencies will look for indicators of flow above and below the break.

⁷Ibid.

	(iv)	Biological Characteristics. Channel supports (check all that apply): Riparian corridor. Characteristics (type, average width): Wetland fringe. Characteristics: Habitat for: Federally Listed species. Explain findings: Fish/spawn areas. Explain findings: Other environmentally-sensitive species. Explain findings: Aquatic/wildlife diversity. Explain findings:
2.	Chai	racteristics of wetlands adjacent to non-TNW that flow directly or indirectly into TNW
		Physical Characteristics: (a) General Wetland Characteristics: Properties: Wetland size: acres Wetland type. Explain: Wetland quality. Explain: Project wetlands cross or serve as state boundaries. Explain:
		(b) General Flow Relationship with Non-TNW: Flow is: Pick List. Explain: .
		Surface flow is: Pick List Characteristics: .
		Subsurface flow: Pick List. Explain findings: Dye (or other) test performed:
		(c) Wetland Adjacency Determination with Non-TNW: Directly abutting Not directly abutting Discrete wetland hydrologic connection. Explain: Ecological connection. Explain: Separated by berm/barrier. Explain:
		(d) Proximity (Relationship) to TNW Project wetlands are Pick List river miles from TNW. Project waters are Pick List aerial (straight) miles from TNW. Flow is from: Pick List. Estimate approximate location of wetland as within the Pick List floodplain.
	` ,	Chemical Characteristics: Characterize wetland system (e.g., water color is clear, brown, oil film on surface; water quality; general watershed characteristics; etc.). Explain: Identify specific pollutants, if known:
	(iii)	Biological Characteristics. Wetland supports (check all that apply): Riparian buffer. Characteristics (type, average width): Vegetation type/percent cover. Explain: Habitat for: Federally Listed species. Explain findings: Fish/spawn areas. Explain findings: Other environmentally-sensitive species. Explain findings: Aquatic/wildlife diversity. Explain findings:
3.		racteristics of all wetlands adjacent to the tributary (if any) All wetland(s) being considered in the cumulative analysis: Pick List Approximately () acres in total are being considered in the cumulative analysis.

<u>Directly abuts? (Y/N)</u> <u>Size (in acres)</u> <u>Directly abuts? (Y/N)</u>

Summarize overall biological, chemical and physical functions being performed:

C. SIGNIFICANT NEXUS DETERMINATION

A significant nexus analysis will assess the flow characteristics and functions of the tributary itself and the functions performed by any wetlands adjacent to the tributary to determine if they significantly affect the chemical, physical, and biological integrity of a TNW. For each of the following situations, a significant nexus exists if the tributary, in combination with all of its adjacent wetlands, has more than a speculative or insubstantial effect on the chemical, physical and/or biological integrity of a TNW. Considerations when evaluating significant nexus include, but are not limited to the volume, duration, and frequency of the flow of water in the tributary and its proximity to a TNW, and the functions performed by the tributary and all its adjacent wetlands. It is not appropriate to determine significant nexus based solely on any specific threshold of distance (e.g. between a tributary and its adjacent wetland or between a tributary and the TNW). Similarly, the fact an adjacent wetland lies within or outside of a floodplain is not solely determinative of significant nexus.

Size (in acres)

Draw connections between the features documented and the effects on the TNW, as identified in the Rapanos Guidance and discussed in the Instructional Guidebook. Factors to consider include, for example:

- Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to carry pollutants or flood waters to TNWs, or to reduce the amount of pollutants or flood waters reaching a TNW?
- Does the tributary, in combination with its adjacent wetlands (if any), provide habitat and lifecycle support functions for fish and other species, such as feeding, nesting, spawning, or rearing young for species that are present in the TNW?
- Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to transfer nutrients and organic carbon that support downstream foodwebs?
- Does the tributary, in combination with its adjacent wetlands (if any), have other relationships to the physical, chemical, or biological integrity of the TNW?

Note: the above list of considerations is not inclusive and other functions observed or known to occur should be documented below:

- 1. Significant nexus findings for non-RPW that has no adjacent wetlands and flows directly or indirectly into TNWs. Explain findings of presence or absence of significant nexus below, based on the tributary itself, then go to Section III.D:
- 2. Significant nexus findings for non-RPW and its adjacent wetlands, where the non-RPW flows directly or indirectly into TNWs. Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D:
- 3. Significant nexus findings for wetlands adjacent to an RPW but that do not directly abut the RPW. Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D:

D. DETERMINATIONS OF JURISDICTIONAL FINDINGS. THE SUBJECT WATERS/WETLANDS ARE (CHECK ALL THAT APPLY):

1.	TNWs and Adjacent Wetlands. Check all that apply and provide size estimates in review area:
	TNWs: linear feet width (ft), Or, acres.
	Wetlands adjacent to TNWs: acres.
2.	RPWs that flow directly or indirectly into TNWs.
	Tributaries of TNWs where tributaries typically flow year-round are jurisdictional. Provide data and rationale indicating that
	tributary is perennial:
	Tributaries of TNW where tributaries have continuous flow "seasonally" (e.g., typically three months each year) are
	jurisdictional. Data supporting this conclusion is provided at Section III.B. Provide rationale indicating that tributary flow
	seasonally: .

	Provide estimates for jurisdictional waters in the review area (check all that apply): Tributary waters: linear feet width (ft). Other non-wetland waters: acres. Identify type(s) of waters: .
3.	Non-RPWs ⁸ that flow directly or indirectly into TNWs. Waterbody that is not a TNW or an RPW, but flows directly or indirectly into a TNW, and it has a significant nexus with a TNW is jurisdictional. Data supporting this conclusion is provided at Section III.C.
	Provide estimates for jurisdictional waters within the review area (check all that apply): Tributary waters: linear feet width (ft). Other non-wetland waters: acres. Identify type(s) of waters:
4.	Wetlands directly abutting an RPW that flow directly or indirectly into TNWs. Wetlands directly abut RPW and thus are jurisdictional as adjacent wetlands. Wetlands directly abutting an RPW where tributaries typically flow year-round. Provide data and rationale indicating that tributary is perennial in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting an RPW:
	Wetlands directly abutting an RPW where tributaries typically flow "seasonally." Provide data indicating that tributary is seasonal in Section III.B and rationale in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting an RPW:
	Provide acreage estimates for jurisdictional wetlands in the review area: acres.
5.	Wetlands adjacent to but not directly abutting an RPW that flow directly or indirectly into TNWs. Wetlands that do not directly abut an RPW, but when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisidictional. Data supporting this conclusion is provided at Section III.C.
	Provide acreage estimates for jurisdictional wetlands in the review area: acres.
6.	Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs. Wetlands adjacent to such waters, and have when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisdictional. Data supporting this conclusion is provided at Section III.C.
	Provide estimates for jurisdictional wetlands in the review area: acres.
7.	As a general rule, the impoundment of a jurisdictional tributary remains jurisdictional. Demonstrate that impoundment was created from "waters of the U.S.," or Demonstrate that water meets the criteria for one of the categories presented above (1-6), or Demonstrate that water is isolated with a nexus to commerce (see E below).
DE SU III	from which fish or shellfish are or could be taken and sold in interstate or foreign commerce. which are or could be used for industrial purposes by industries in interstate commerce. Interstate isolated waters. Explain:
Ide	entify water body and summarize rationale supporting determination:

E.

 ⁸See Footnote # 3.
 To complete the analysis refer to the key in Section III.D.6 of the Instructional Guidebook.
 Prior to asserting or declining CWA jurisdiction based solely on this category, Corps Districts will elevate the action to Corps and EPA HQ for review consistent with the process described in the Corps/EPA Memorandum Regarding CWA Act Jurisdiction Following Rapanos.

	vide estimates for jurisdictional waters in the review area (check all that apply): Tributary waters: linear feet width (ft). Other non-wetland waters: acres. Identify type(s) of waters: Wetlands: acres.
	N-JURISDICTIONAL WATERS, INCLUDING WETLANDS (CHECK ALL THAT APPLY): If potential wetlands were assessed within the review area, these areas did not meet the criteria in the 1987 Corps of Engineers Wetland Delineation Manual and/or appropriate Regional Supplements. Review area included isolated waters with no substantial nexus to interstate (or foreign) commerce. Prior to the Jan 2001 Supreme Court decision in "SWANCC," the review area would have been regulated based solely on the "Migratory Bird Rule" (MBR). Waters do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction. Explain: Other: (explain, if not covered above):
facto judg	ride acreage estimates for non-jurisdictional waters in the review area, where the sole potential basis of jurisdiction is the MBR ors (i.e., presence of migratory birds, presence of endangered species, use of water for irrigated agriculture), using best professional ment (check all that apply): Non-wetland waters (i.e., rivers, streams): linear feet width (ft). Lakes/ponds: acres. Other non-wetland waters: acres. List type of aquatic resource: . Wetlands: Approximatly 1 acres.
a fin	ride acreage estimates for non-jurisdictional waters in the review area that do not meet the "Significant Nexus" standard, where such ding is required for jurisdiction (check all that apply): Non-wetland waters (i.e., rivers, streams): linear feet, width (ft). Lakes/ponds: acres. Other non-wetland waters: acres. List type of aquatic resource: Wetlands: acres.
SUPI and	PORTING DATA. Data reviewed for JD (check all that apply - checked items shall be included in case file and, where checked requested, appropriately reference sources below): Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant: Data sheets prepared/submitted by or on behalf of the applicant/consultant. Office concurs with data sheets/delineation report. Office does not concur with data sheets/delineation report. Data sheets prepared by the Corps: Corps navigable waters' study: U.S. Geological Survey Hydrologic Atlas: HUC 12040104, San Jacinto River.
	□ USGS NHD data. □ USGS 8 and 12 digit HUC maps. U.S. Geological Survey map(s). Cite scale & quad name: Meadan, TX; 1:24,000. USDA Natural Resources Conservation Service Soil Survey. Citation: Meadan, TX. National wetlands inventory map(s). Cite name: Meadan, TX. State/Local wetland inventory map(s): FEMA/FIRM maps:Panel 48201C0295L, June 18, 2007. 100-year Floodplain Elevation is: (National Geodectic Vertical Datum of 1929) Photographs: □ Aerial (Name & Date):1995 & 2004 Infrared . or □ Other (Name & Date): Site photos 19March08. Previous determination(s). File no. and date of response letter: Applicable/supporting case law:
	NOI STORY TO UPPER and STORY TO

B. ADDITIONAL COMMENTS TO SUPPORT JD: A desk review was conducted on 31 December 2007 which included investigation and review of the above documents. The 1995 and 2004 infrared aerial photographs were inconclusive to determine wetland hydrology. The NWI indicated that there were Palusterine Emergent Persistent Temporally Flooded Wetlands within the project site. The FIRM Panel 295 of 1150 shows the tract to be out side of the 100 year flood plain.

A site visit was conducted 19 March 2008 in which a wetland that met the three criteria (hydrology, hydric soils, and hydrophytic vegetation) was found as outlined in the 1987 Corps of Engineers Delineation Manual. The nearest water feature is an un-named, man-made upland drainage ditch along the northern boarder of the project site, approximately 0.05 mile away from the wetland and has no hydrologic surface connection to the wetland. This upland non jurisdictional drainage ditch does connect to a historically relative permanent tributary, however the upland drainage ditch does not extend the Ordinary High Water Mark (OHWM) of the un-named tributary and is therefore not subject to Section 404. The wetland is not or could not be used by interstate or foreign travelers for recreation or other purposes, is not or would not be used for industrial purposes by industries in interstate commerce, and is not or could not be used to take fish or shellfish sold in interstate or foreign commerce. No nexus to US waters including adjacent wetlands were found.

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG-PE-RE - Galveston

FILE NUMBER: SWG-2007-471

PROJECT	LOCATION	INFORM <i>A</i>	TION:
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PROJE	CT LOCA	ATION INI	FORMATION:		
Sta		Texas			
	inty:	Jackson			
			e (latitude/longitud		28-40-30.35N; -96-23-27.17W
					guplands: -0.017 acres.
			ay: Carancahua Ba		
Nai	ne of wate	rshed:	Central Matagorda	a Bay	
JURISE	ICTION	AL DETEI	RMINATION		
			letermination	\boxtimes	Date: 3-13-07
	•	Site visit(:		ā	Date(s):
		one risid.	3)		Duto(5).
Jur	isdictiona	l Determin	nation (JD):		
	Prelimina	ary JD - Ba	sed on available in	nformation	, \boxtimes there appear to be (or) \square there appear to be no "waters of the
	United S	tates" and/o	or "navigable wate	rs of the U	nited States" on the project site. A preliminary JD is not appealable
	(Referen	ce 33 CFR	part 331).		
N ZI	A	J. 115. A		1 1 1	(, (B, C , , , , , , , , , , , , , , , , , ,
\boxtimes		a 1D – An a I that apply		appealable	action (Reference 33 CFR part 331).
	Check ai	т тпат арргу	•		
	X There	<i>are</i> "navio	pable waters of the	United Sta	ates" (as defined by 33 CFR part 329 and associated guidance) within
			Approximate size		
			.,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	,	
	\boxtimes There	are "water	rs of the United St	ates" (as d	lefined by 33 CFR part 328 and associated guidance) within the
	reviewed	area. App	roximate size of ju	ırisdictiona	al area:
	There				te waters or wetlands" within the reviewed area.
			Decision supporte Jurisdiction.	a by SWA	NCC/Migratory Bird Rule Information Sheet for Determination of No
			Jurisdiction.		
BASIS	OF JURIS	DICTION	AL DETERMIN	ATION:	
					vigable waters of the United States":
					and flow of the tide and/or are presently used, or have been used in
_					rt interstate or foreign commerce.
В.					s "waters of the United States":
\boxtimes					ised, or were used in the past, or may be susceptible to use in
					ers which are subject to the ebb and flow of the tide.
님					sterstate wetlands ¹ .
LJ	(3) The p	resence of	other waters such	as intrastat	e lakes, rivers, streams (including intermittent streams), mudflats,
	doctruction	on of which	sioughs, prairie po	onioies, we	t meadows, playa lakes, or natural ponds, the use, degradation or nerce including any such waters (check all that apply):
					or foreign travelers for recreational or other purposes.
	(1) (1)	men are or	. Could be used by	micistate (n totolgh havelets for recreational of other purposes.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Carancahua Bay is a navigable water, subject to the ebb and flow of the tide and therefore, is subject to jurisdiction under Section 10 of the Rivers and Harbors Act.

(7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce. (iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US. (5) The presence of a tributary to a water identified in (1) – (4) above.

(6) The presence of territorial seas.

FILE NUMBER: SWG-2007-471

	eral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: □ clear, natural line impressed on the bank □ the presence of litter and debris □ changes in the character of soil □ destruction of terrestrial vegetation □ shelving □ other: High Tide Line indicated by: □ oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other: As Stated by Applicant
	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas	is For Not Asserting Jurisdiction: The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:
	Other (explain): REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Olivia U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Actual Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify):

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Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e. occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG-PE-RE - Galveston

FILE NUMBER: SWG-2007-472

Sta Co Ce Ap Na	nte: ounty: nter coordi oproximate	ATION INFORMATION: Texas Calhoun inates of site (latitude/longite size of area (parcel) reviewe est waterway: ershed:		28.675399250362; -96.391105856952 ag uplands: 0.008 acres.
		AL DETERMINATION Desktop determination Site visit(s)		Date: 3-13-2007 Date(s):
Ju	risdictiona	al Determination (JD):		
	Prelimin United S	ary JD - Based on available		n, \square there appear to be (or) \square there appear to be no "waters of the United States" on the project site. A preliminary JD is not appealable
\boxtimes		ed JD – An approved JD is and that apply:	n appealabl	le action (Reference 33 CFR part 331).
		e are "navigable waters of the wed area. Approximate size		states" (as defined by 33 CFR part 329 and associated guidance) within ctional area:
		e are "waters of the United Starea. Approximate size of		defined by 33 CFR part 328 and associated guidance) within the nal area:
	☐ There			rate waters or wetlands" within the reviewed area. ANCC/Migratory Bird Rule Information Sheet for Determination of No.
A.	Waters of	ence of waters that are subje	t 329 as "n ct to the eb	navigable waters of the United States": bb and flow of the tide and/or are presently used, or have been used in ort interstate or foreign commerce.
B. ⊠	(1) The printerstate (2) The printerstate (3) The printerstate (3) The printerstate (4) The printerstate (4) Important (5) The printerstate (6) The printerstate (5) The printers	presence of waters, which are or foreign commerce, inclu- presence of interstate waters presence of other waters such as wetlands, sloughs, prairie and of which could affect into which are or could be used by from which fish or shellfish which are or could be used by the waters of waters otherwipresence of a tributary to a waters of territorial seas.	e currently dding all wa including i h as intrasti potholes, we erstate com y interstate are or coul for industri se defined vater identi	ate lakes, rivers, streams (including intermittent streams), mudflats, yet meadows, playa lakes, or natural ponds, the use, degradation or imerce including any such waters (check all that apply): or foreign travelers for recreational or other purposes. It does not be taken and sold in interstate or foreign commerce. It is purposes by industries in interstate commerce. It is a waters of the US.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Lavaca Bay is a navigable water, subject to the ebb and flow of the tide, and therefore, is subject to jurisdiction under the Rivers and Harbors Act.

5WG-2007-472

FILE NUMBER:

	TIEE NOMBER
	eral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: □ clear, natural line impressed on the bank □ the presence of litter and debris □ changes in the character of soil □ destruction of terrestrial vegetation □ shelving □ other: □ High Tide Line indicated by: □ oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics □ tidal gages other: As Stated by the Applicant
	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated. intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
	Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain):
\boxtimes	Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated prepared by (company): This office does not concur with the delineation report, dated prepared by (company): This office does not concur with the delineation report, dated prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Port Lavaca East U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Acological Survey 15 Minute Historic quadrangles: U.S. Acological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 16 Minute Historic quadrangles: U.S. Geological Survey 17 Minute Historic quadrangles: U.S. Geological Survey 18 Minute Historic quadrangles: U.S. Geological Survey 19 Minute Historic quadrangles: U.S. Geological Survey 19 Minute Historic quadrangles: U.S. Geological Survey 19 Minute Historic quadrangles: U.S. Geological Survey 10 Minute Historic quadrangles: U.S. Geological

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¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: Galveston District **FILE NUMBER:** SWG-2007-209

Stat	DJECT LOCATION INFORMATION: State: Texas	
Cer Ap _l Nar	County: Nucces Center coordinates of site (latitude/longitude): 27-45-33.954 97-17-08 Approximate size of area (parcel) reviewed, including uplands: approx. 1 acre Name of nearest waterway: Corpus Christi Bay Name of watershed: Corpus Christi Bay	
	RISDICTIONAL DETERMINATION Completed: Desktop determination	
Jur	Jurisdictional Determination (JD):	
	☐ Preliminary JD - Based on available information, ☐ there appear to be (or United States" and/or "navigable waters of the United States" on the project (Reference 33 CFR part 331).	
\boxtimes	Approved JD – An approved JD is an appealable action (Reference 33 CF Check all that apply:	PR part 331).
	☑ There are "navigable waters of the United States" (as defined by 33 C the reviewed area. Approximate size of jurisdictional area: 1 acre.	FR part 329 and associated guidance) within
	☐ There are "waters of the United States" (as defined by 33 CFR part 33 reviewed area. Approximate size of jurisdictional area:	28 and associated guidance) within the
	 There are "isolated, non-navigable, intra-state waters or wetlands" w Decision supported by SWANCC/Migratory Bird Rul Jurisdiction. 	
A.	A. Waters defined under 33 CFR part 329 as "navigable waters of the U The presence of waters that are subject to the ebb and flow of the tide and the past, or may be susceptible for use to transport interstate or foreign co	or are presently used, or have been used in
	 B. Waters defined under 33 CFR part 328.3(a) as "waters of the United (1) The presence of waters, which are currently used, or were used in the interstate or foreign commerce, including all waters which are subject to to (2) The presence of interstate waters including interstate wetlands. (3) The presence of other waters such as intrastate lakes, rivers, streams (i sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, destruction of which could affect interstate commerce including any such (i) which are or could be used by interstate or foreign travelers for real (ii) from which fish or shellfish are or could be taken and sold in inte (iii) which are or could be used for industrial purposes by industries in (4) Impoundments of waters otherwise defined as waters of the US. (5) The presence of a tributary to a water identified in (1) – (4) above. (6) The presence of wetlands adjacent² to other waters of the US, except for the US. 	past, or may be susceptible to use in the ebb and flow of the tide. including intermittent streams), mudflats, or natural ponds, the use, degradation or waters (check all that apply): creational or other purposes. erstate or foreign commerce. in interstate commerce.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Project is located in Corpus Christi Bay a naviable waterway containing two federal channels

FILE NUMBER: SWG-2007-209

	eral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: □ clear, natural line impressed on the bank □ the presence of litter and debris □ changes in the character of soil □ destruction of terrestrial vegetation □ shelving □ other: □ tidal gages □ other:
	Mean High Water Mark indicated by: ☐ survey to available datum: ☐ physical markings: ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service, Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain):
	Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated prepared by (company): This office does not concur with the delineation report, dated prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Portland U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 16 Minute Historic quadrangles: U.S. Geological Survey 17 Minute Historic quadrangles: U.S. Geological Survey 18 Minute Historic quadrangles: U.S. Geological Survey 19 Minute Historic quadrangles:

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG-PE-RE

	NUMBER: 14392(06)/2103					
St Co Co A	ECT LOCATION INFORMATION: ate: Texas cunty: Matagorda cuter coordinates of site (latitude/longitude): 28 47 55 .86 - 95 40 5 .34 coproximate size of area (parcel) reviewed, including uplands: .01 acres. ame of nearest waterway: Caney Creek ame of watershed: East Matagorda Bay TX HUC 12090402					
	DICTIONAL DETERMINATION completed: Desktop determination					
Jı	risdictional Determination (JD):					
	Preliminary JD - Based on available information, \(\subseteq \text{there appear to be (or)} \subseteq there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).					
×	Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:					
	☑ There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:					
	There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:					
	There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.					
A	OF JURISDICTIONAL DETERMINATION: Waters defined under 33 CFR part 329 as "navigable waters of the United States": The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.					
B.	 (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. (2) The presence of interstate waters including interstate wetlands¹. (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply): (i) which are or could be used by interstate or foreign travelers for recreational or other purposes. (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce. (iii) which are or could be used for industrial purposes by industries in interstate commerce. 					

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Caney Creek is a navigable water subject to ebb and tide flow, and therefore is jurisdictional under Section 10 of the Rivers and Harobrs Act.

(7) The presence of wetlands adjacent to other waters of the US, except for those wetlands adjacent to other wetlands.

(5) The presence of a tributary to a water identified in (1) – (4) above.

(6) The presence of territorial seas.

FILE NUMBER: 14392(06)/2103 Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: High Tide Line indicated by: clear, natural line impressed on the bank oil or scum line along shore objects fine shell or debris deposits (foreshore) the presence of litter and debris changes in the character of soil physical markings/characteristics destruction of terrestrial vegetation tidal gages other: as stated by applicant shelving other: Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types. Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: **Basis For Not Asserting Jurisdiction:** The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. \Box Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): DATA REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. , prepared by (company): This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Sargent, TX U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): Other photographs (Date): Advanced Identification Wetland maps:

Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify):

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., 62 cocurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

Revised 8/13/04

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG **FILE NUMBER:** D-18338

PROJE	CT LOCATIO	N INFORMATION:					
Sta							
		ntgomery					
		of site (latitude/longitude		Lat: 30-14-18.0689 N	Long: 95-27-20.5829 W		
		of area (parcel) reviewed,		uplands: 449 acres.			
		aterway: San Jacinto Rive	ег				
Na	me of watershed	d: San Jacinto River					
HIDIOI	NICTIONAL D	ETERMINATION					
		ETERMINATION	⋈	Data: 16 March 2007			
Co	-	ktop determination	\boxtimes	Date: 16 March 2007			
	Site	visit(s)	\boxtimes	Date(s): 7 June 2006			
Jui	isdictional Det	termination (JD):					
\boxtimes	Preliminary JI	D - Based on available int	formation,	there appear to be (or	r) there appear to be no "waters of the		
					et site. A preliminary JD is not appealable		
	(Reference 33	CFR part 331).					
_							
			ppealable	action (Reference 33 CFF	R part 331).		
	Check all that	apply;					
	□ <i>*</i> ′′	San and and the same of the f	U 4. 10.	4. P / . 4.C . 11 22 CF	20 - 200 - 4 - 234 21 - 2342		
		area. Approximate size o			R part 329 and associated guidance) within		
	the reviewed a	area. Approximate size o	Tjurisaicti	onai area: .			
	Thorse are "waters of the United States" (as defined by 22 CED new 220 and acceptated swidenes) within the						
	☐ There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area **There are the state of jurisdictional area **There are are the state of jurisdictional area **There are a state of jurisdictional area **T						
	Terremed area. Approximate size of jurisdictional area.						
	☐ There are	"isolated, non-navigable,	intra-stat	te waters or wetlands" wit	hin the reviewed area.		
					Information Sheet for Determination of No		
	Jurisdiction.						
		TIONAL DETERMINA					
_				vigable waters of the Un			
· .					or are presently used, or have been used in		
	the past, or ma	ay be susceptible for use <u>t</u>	o transpor	t interstate or foreign com	nmerce.		
_							
В.				"waters of the United S			
					ast, or may be susceptible to use in		
	interstate or ic	oreign commerce, including	ng an wate	ers which are subject to the	e ebb and flow of the tide.		
H	(2) The preser	nce of interstate waters in	cluding in	iersiale wellands.	cluding intermittent streams), mudflats,		
					r natural ponds, the use, degradation or		
					vaters (check all that apply):		
					reational or other purposes.		
					state or foreign commerce.		
				purposes by industries in			
		nents of waters otherwise					
\boxtimes		nce of a tributary to a water					
	(6) The preser	nce of territorial seas.					
\boxtimes	(7) The preser	nce of wetlands adjacent2	to other w	aters of the US, except fo	r those wetlands adjacent to other wetlands.		

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: The tract contains tributaries to the San Jacinto River and wetlands neighboring, and therefore, adjacent to, the San Jacinto River, a navigable water of the U.S. downstream of the project site.

Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)

FILE NUMBER: D-18338

	Ordinary High Water Mark indicated by: □ clear, natural line impressed on the bank □ the presence of litter and debris □ changes in the character of soil □ destruction of terrestrial vegetation □ shelving □ other: □ High Tide Line indicated by: □ oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics □ tidal gages other:
	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
\boxtimes	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: Berg-Oliver Associates
Bas	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain):
\boxtimes	REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. ☐ This office concurs with the delineation report, dated 19 March 2007, prepared by (company): Berg-Oliver Assoc. ☐ This office does not concur with the delineation report, dated 19 march 2007, prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey T.5 Minute Topographic maps: Tamina, Tex. U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 16 Minute Historic quadrangles: U.S. Geological

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: Galveston District **FILE NUMBER:** SWG-2007-370

State: Texas County: Arransas Conter coordinates of site (latitude/longitude): 28-5-21.98 97-2-4.86 Approximate size of area (parcel) reviewed, including uplands: approx. 0.03 acres. Name of nearest waterway: Aransas Bay Name of watershed: Aransas Bay JURISDICTIONAL DETERMINATION Completed: Desktop determination Date: 16 March 2007 Site visit(s) Date(s): Jurisdictional Determination (JD): Preliminary JD - Based on available information, there appear to be (or) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331). Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply: There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 0.03 acre. There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: acre. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction. BASIS OF JURISDICTIONAL DETERMINATION: A. Waters defined under 33 CFR part 329 as "navigable waters of the United States": The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible to use in interstate or foreign commerce. B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States": (1) The presence of owaters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce. (2) The presence of owaters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce. (3)				FORMATION:		
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Preliminary JD - Based on available information,		mpleted:	Desktop (determination		
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Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction. BASIS OF JURISDICTIONAL DETERMINATION: A. Waters defined under 33 CFR part 329 as "navigable waters of the United States": The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States": (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. (2) The presence of interstate waters including interstate wetlands. (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply): (i) which are or could be used by interstate or foreign travelers for recreational or other purposes. (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce. (iii) which are or could be used for industrial purposes by industries in interstate commerce. (iii) which are or could be used for industrial purposes by industries in interstate commerce. (4) Impoundments of waters otherwise defined as waters of the US. (5) The presence of a tributary to a water identified in (1) – (4) above.						
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 ☐ (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. ☐ (2) The presence of interstate waters including interstate wetlands¹. ☐ (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply): ☐ (i) which are or could be used by interstate or foreign travelers for recreational or other purposes. ☐ (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce. ☐ (iii) which are or could be used for industrial purposes by industries in interstate commerce. ☐ (4) Impoundments of waters otherwise defined as waters of the US. ☐ (5) The presence of a tributary to a water identified in (1) – (4) above. ☐ (6) The presence of territorial seas. 	A.	Waters de The presen	efined un	der 33 CFR part 3 ters that are subject	329 as "na to the ebb	and flow of the tide and/or are presently used, or have been used in
		(1) The printerstate (2) The printerstate (3) The printerstate (3) The printerstate (4) The printerstate (5) The printerstate (6) The printerstate (7) The p	resence of or foreign resence of wetlands, n of which are of which are which are andments resence of	waters, which are a commerce, included interstate waters in other waters such a sloughs, prairie point could affect intersection or could be used by a fish or shellfish are could be used for waters otherwise a tributary to a waterritorial seas.	currently using all water cluding in as intrastated tholes, we state comminterstate or could reindustrial defined as ter identification.	sed, or were used in the past, or may be susceptible to use in ers which are subject to the ebb and flow of the tide. terstate wetlands ¹ . e lakes, rivers, streams (including intermittent streams), mudflats, t meadows, playa lakes, or natural ponds, the use, degradation or herce including any such waters (check all that apply): or foreign travelers for recreational or other purposes. be taken and sold in interstate or foreign commerce. I purposes by industries in interstate commerce. I purposes of the US. ed in (1) – (4) above.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Proposed work will occur in Aransa Bay, a navigable water containing a portion of the GIWW

FILE NUMBER: SWG-2007-370

Lat	Geral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: □ High Tide Line indicated by: □ clear, natural line impressed on the bank □ oil or scum line along shore objects □ the presence of litter and debris □ fine shell or debris deposits (foreshore) □ changes in the character of soil □ physical markings/characteristics □ destruction of terrestrial vegetation □ tidal gages □ shelving □ other:
	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain):
	Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Rockport U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Autural Resources Conservation Service Soil Survey: National wetlands inventory maps: Rockport Statc/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify):

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG-PE-RC FILE NUMBER: SWG-2007-88

BAS

PROJE	CT LOCATION II	NFORMATION:		
Cer Ap Na	unty: Victoria nter coordinates of s proximate size of ar	a & Jackson site (latitude/longitude) ea (parcel) reviewed, i way: Garcitas Creek Garcitas Creek		(Site I) UTM 14, 724634E, 3185357N uplands: ~6 acres.
	DICTIONAL DETI mpleted: Desktop Site visi		×	Date: 20 March 2007 Date(s): 7 February 2007
Ju	isdictional Determ	ination (JD):		
₹		d/or "navigable waters		there appear to be (or) there appear to be no "waters of the nited States" on the project site. A preliminary JD is not appealable
\boxtimes	Approved JD – An Check all that app		pealable	action (Reference 33 CFR part 331).
		vigable waters of the U Approximate size of		tes" (as defined by 33 CFR part 329 and associated guidance) within onal area: 1 acre.
		ters of the United State		efined by 33 CFR part 328 and associated guidance) within the l area: I acre.
	There are "iso			e waters or wetlands" within the reviewed area. NCC/Migratory Bird Rule Information Sheet for Determination of No
	Waters defined u The presence of w	aters that are subject to	9 as "na the ebb	vigable waters of the United States": and flow of the tide and/or are presently used, or have been used in t interstate or foreign commerce.
	(1) The presence of interstate or foreig (2) The presence (3) The presence of sandflats, wetland destruction of white (i) which are (ii) from whice (iii) which are (4) Impoundments (5) The presence (6) The presence (7)	of waters, which are cured commerce, including of interstate waters including of other waters such as a specific specifi	g all water luding intrastate intrastater noles, wet ate commeterstate of or could industrial effined as r identifie	e lakes, rivers, streams (including intermittent streams), mudflats, meadows, playa lakes, or natural ponds, the use, degradation or erce including any such waters (check all that apply): r foreign travelers for recreational or other purposes. be taken and sold in interstate or foreign commerce. purposes by industries in interstate commerce. waters of the US.
Rat	ionale for the Rasi	is of Jurisdictional De	termina	tion (applies to any hoves checked above). If the jurisdictional

water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Garcitas Creek is a navigable water of the U.S. subject to the ebb and flow of the tide

FILE NUMBER: SWG-2007-88 (Site 1)

	teral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: Image: Clear, natural line impressed on the bank the presence of litter and debris the presence of soil changes in the character of soil physical markings/characteristics tidal gages other:
¥.00	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
1	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bai	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain):
\boxtimes	Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated 4 January 2007, prepared by (company): S&B This office does not concur with the delineation report, dated 4 , prepared by (company): S&B This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: LaSalle, Tex. U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): Panel 4800970200C, Published 3 January 1985 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): 1995 DOQQ & 2004 NAIP Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: 7 February 2007 Applicable/supporting case law: Other information (please specify):

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG-PE-RC FILE NUMBER: SWG-2007-88

Sta Co Ce Ap Na	te: Texas unty: Calhoun nter coordinates of site (latitude/longitude proximate size of area (parcel) reviewed, me of nearest waterway: Coloma Creek me of watershed: Coloma Creek	e): including	(Site 2) UTM 14, 739343E, 3151902N uplands: 12.9 acres.		
	pictional determination mpleted: Desktop determination Site visit(s)	X X	Date: 20 March 2007 Date(s): 7 February 2007		
Jui	isdictional Determination (JD):				
***			there appear to be (or) there appear to be no "waters of the nited States" on the project site. A preliminary JD is not appealable		
×	Approved JD – An approved JD is an a Check all that apply:	ppealable	action (Reference 33 CFR part 331).		
	There are "navigable waters of the the reviewed area. Approximate size of	United Sta f jurisdicti	ites" (as defined by 33 CFR part 329 and associated guidance) within ional area:		
	There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:				
			te waters or wetlands" within the reviewed area. NCC/Migratory Bird Rule Information Sheet for Determination of No		
A.	The state of the s	29 as "na to the ebb	and flow of the tide and/or are presently used, or have been used in		
B.	(1) The presence of waters, which are c interstate or foreign commerce, includir (2) The presence of interstate waters inc (3) The presence of other waters such a sandflats, wetlands, sloughs, prairie pot destruction of which could affect interst (i) which are or could be used by in (ii) from which fish or shellfish are (iii) which are or could be used for (4) Impoundments of waters otherwise (5) The presence of a tributary to a wate (6) The presence of territorial seas.	urrently using all water cluding into a intrastate tholes, we that communiterstate of could industrial defined as a ridentification.	sed, or were used in the past, or may be susceptible to use in ers which are subject to the ebb and flow of the tide. terstate wetlands ¹ . te lakes, rivers, streams (including intermittent streams), mudflats, a meadows, playa lakes, or natural ponds, the use, degradation or erce including any such waters (check all that apply): r foreign travelers for recreational or other purposes. be taken and sold in interstate or foreign commerce. purposes by industries in interstate commerce. waters of the US.		

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Coloma Creek is a navigable water of the U.S. subject to the ebb and flow of the tide. Wetalnds adjacent to (contiguous) Coloma Creek.

FILE NUMBER: SWG-2007-88 (Site 2)

	eral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: Clear, natural line impressed on the bank Oil or scum line along shore objects
	the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other: fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
⊠	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
\boxtimes	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:
	Other (explain):
\boxtimes	Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. ☐ This office concurs with the delineation report, dated 4 January 2007, prepared by (company): S&B ☐ This office does not concur with the delineation report, dated 7, prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Seadrift, Tex. U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): Panel 4806370300B, Published 18 September 1987 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): 1995 DOQQ & 2004 NAIP Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: 7 February 2007 Applicable/supporting case law: Other information (please specify):

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG-PE-RE FILE NUMBER: 14392(06)/2101

PROJE (CT LOCATION INFORMATION:		
Stat			
	inty: Matagorda		
	ter coordinates of site (latitude/longit		28 48 44.8702 - 95 39 40.5531
	proximate size of area (parcel) review		g uplands: .01 acres.
	ne of nearest waterway: Caney Creel		
Nan	ne of watershed: East Matagorda	Bay TX H	UC 12090402
HIDION	ICTIONAL DETERMINATION		
	npleted: Desktop determination	M	Date: 3/20/2007
Coi	-	⊠	
	Site visit(s)		Date(s):
Jur	isdictional Determination (JD):		
3.5			, \(\sum \) there appear to be (or) \(\sum \) there appear to be no "waters of the United States" on the project site. A preliminary JD is not appealable
Ø	Approved JD – An approved JD is a Check all that apply:	n appealable	e action (Reference 33 CFR part 331).
	There are "navigable waters of t the reviewed area. Approximate size		ates" (as defined by 33 CFR part 329 and associated guidance) within tional area:
	There are "waters of the United reviewed area. Approximate size of		defined by 33 CFR part 328 and associated guidance) within the al area:
			ate waters or wetlands" within the reviewed area. NCC/Migratory Bird Rule Information Sheet for Determination of N
A.		t 329 as "na	vigable waters of the United States":
X	the past, or may be susceptible for u		and flow of the tide and/or are presently used, or have been used in rt interstate or foreign commerce.
В.	Waters defined under 33 CFR par		
\boxtimes			used, or were used in the past, or may be susceptible to use in
			ers which are subject to the ebb and flow of the tide.
	(2) The presence of interstate waters		
66 - 1. 56 - 1			te lakes, rivers, streams (including intermittent streams), mudflats,
			t meadows, playa lakes, or natural ponds, the use, degradation or
	destruction of which could affect int	erstate comm	nerce including any such waters (check all that apply):
	(ii) from which fish or shellfish	y interstate t	or foreign travelers for recreational or other purposes. be taken and sold in interstate or foreign commerce.
			l purposes by industries in interstate commerce.
141	(4) Impoundments of waters otherwi		
	(5) The presence of a tributary to a v		
	(6) The presence of territorial seas.	a.c. identill	σα m (·) (τ) αυστο.
		nt2 to other v	vaters of the US, except for those wetlands adjacent to other wetlands
Rat	ionale for the Basis of Jurisdictiona	l Determina	ation (applies to any boxes checked above). If the jurisdictional

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Caney Creek is a navigable water subject to ebb and tide flow, and therefore is jurisdictional under Section 10 of the Rivers and Harobrs Act.

FILE NUMBER: 14392(06)/2101 Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) High Tide Line indicated by: Ordinary High Water Mark indicated by: clear, natural line impressed on the bank oil or scum line along shore objects the presence of litter and debris fine shell or debris deposits (foreshore) changes in the character of soil physical markings/characteristics destruction of terrestrial vegetation tidal gages shelving other: as stated by applicant other: Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types. Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: **Basis For Not Asserting Jurisdiction:** The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): DATA REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. ☐ This office concurs with the delineation report, dated , prepared by (company): ☐ This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: W.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Sargent, TX U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law:

Other information (please specify):

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., $\beta \mathcal{E}$ occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG FILE NUMBER: D-19222

I ILL IV	ONIDIAN D-172						
Stat Cou Cen App Nar	te: Texas Inty: Liberty Inter coordinates of Droximate size of The of nearest water	-	Site-2	30 04' 45" N, 94 57' 05" W 30 05' 44" N, 94 58' 07" W 3 uplands: Site-1 = 416-acres and Site-2 = 167-acres.			
		TERMINATION op determination isit(s)	⊠ ⊠	Date: 21 March 2007 Date(s): 21 March 2007			
Jur	isdictional Deter	mination (JD):					
\boxtimes	Preliminary JD	- Based on available in and/or "navigable water		, there appear to be (or) there appear to be no "waters of the nited States" on the project site. A preliminary JD is not appealable			
	Approved JD – Check all that a		appealable	action (Reference 33 CFR part 331).			
		navigable waters of the ea. Approximate size of		ates" (as defined by 33 CFR part 329 and associated guidance) within ional area:			
		vaters of the United Sta Approximate size of ju		defined by 33 CFR part 328 and associated guidance) within the al area:			
	☐ There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. ☐ Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.						
	Waters defined The presence of	waters that are subject	3 29 as "na to the ebb	avigable waters of the United States": o and flow of the tide and/or are presently used, or have been used in art interstate or foreign commerce.			
B.	(1) The presence interstate or force (2) The presence (3) The presence sandflats, wetlar destruction of well (ii) which a (iii) from well (iii) which (4) Impoundme (5) The presence (6) The presence (6)	e of waters, which are of eign commerce, including the of interstate waters in e of other waters such a chick could affect interstree or could be used by the high fish or shellfish are or could be used four of waters otherwise of a tributary to a wale of territorial seas.	currently ung all wat acluding in trastal tholes, we state commenterstate or could rindustria defined a ter identification.	te lakes, rivers, streams (including intermittent streams), mudflats, et meadows, playa lakes, or natural ponds, the use, degradation or merce including any such waters (check all that apply): or foreign travelers for recreational or other purposes. It be taken and sold in interstate or foreign commerce. It purposes by industries in interstate commerce. It swaters of the US.			

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: There are nop waters of the United States within the project area

FILE NUMBER: D-19222

Lat	ordinary High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other: High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or exeavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
	 Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain):
	REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, prepared by: This office does not concur with the delineation report, prepared by: Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Dayton, Texas quad U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Actional Resources Conservation Service Soil Survey: Liberty County, Texas National wetlands inventory maps: Dayton, Texas quad State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): Liberty County, Texas, Panel 200, 30 September 1988 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): 2004 NAIP color infrared Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify): NRCS and ESA Crop History

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

 $^{^2}$ The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: Galveston 2007-359-RC FILE NUMBER: PROJECT LOCATION INFORMATION: State: Texas County: Montgomery Center coordinates of site (latitude/longitude): 30° 12' 24"N, 95° 28' 40"W Approximate size of area (parcel) reviewed, including uplands: 13.7 acres. Name of nearest waterway: Harpers Horsepen Branch Name of watershed: San Jacinto River JURISDICTIONAL DETERMINATION Date: 03/21/07 Completed: Desktop determination Date(s): 03/09/07 Site visit(s) Jurisdictional Determination (JD): Preliminary JD - Based on available information, \(\square\$ there appear to be (or) \(\square\$ there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331). Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply: There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction. BASIS OF JURISDICTIONAL DETERMINATION: A. Waters defined under 33 CFR part 329 as "navigable waters of the United States": The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States": (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. (2) The presence of interstate waters including interstate wetlands¹. (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply): (i) which are or could be used by interstate or foreign travelers for recreational or other purposes. (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce. (iii) which are or could be used for industrial purposes by industries in interstate commerce. (4) Impoundments of waters otherwise defined as waters of the US. (5) The presence of a tributary to a water identified in (1) - (4) above. (6) The presence of territorial seas. (7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Wetlands are isolated with no known nexus to interstate commerce or known hydrological connection to another water of the United States.

	-
FII	LE NUMBER: 2007-359-RC
Lat चि	Ordinary High Water Mark indicated by: Clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other: High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
***	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
\boxtimes	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: Entrix
Bas S S	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain):
DATA F	REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, datedFeb 2007 by (company): Entrix This office does not concur with the delineation report, dated, prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Tamina, Texas U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Astural Resources Conservation Service Soil Survey: Montgomery County Soil Survey National wetlands inventory maps: NWI, Tamina, 1999 & 1983 State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 48339C0530F, Dec 19, 1996 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): 1995 DOQQ and 2004 CIR (Entrix) Other photographs (Date): Site photos Advanced Identification Wetland maps: Site visit/determination conducted on: 3/9/07 Applicable/supporting case law: Other information (please specify):

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: Galveston 2007-346-RC FILE NUMBER: PROJECT LOCATION INFORMATION: State: Texas County: Montgomery Center coordinates of site (latitude/longitude): 30° 12' 23"N, 95° 28' 47"W Approximate size of area (parcel) reviewed, including uplands: 5.4 acres. Name of nearest waterway: Harpers Horsepen Branch Name of watershed: San Jacinto River JURISDICTIONAL DETERMINATION Completed: Desktop determination \boxtimes Date: 03/21/07 Ø Date(s): 03/09/07Site visit(s) Jurisdictional Determination (JD): Preliminary JD - Based on available information, there appear to be (or) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331). Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply: There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction. BASIS OF JURISDICTIONAL DETERMINATION: A. Waters defined under 33 CFR part 329 as "navigable waters of the United States": The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States": (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. (2) The presence of interstate waters including interstate wetlands¹. (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply): (i) which are or could be used by interstate or foreign travelers for recreational or other purposes. (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce. (iii) which are or could be used for industrial purposes by industries in interstate commerce. (4) Impoundments of waters otherwise defined as waters of the US. (5) The presence of a tributary to a water identified in (1) - (4) above. (6) The presence of territorial seas. (7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Wetlands are isolated with no known nexus to interstate commerce or known hydrological connection to another water of the United States.

FILE NUMBER:	2007-346-RC		

	Ordinary High Water Mark indicated by: Clear, natural line impressed on the bank Changes in the character of soil destruction of terrestrial vegetation shelving other: High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
E	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
\boxtimes	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: Entrix
Bas S	is For Not Asserting Jurisdiction: The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain):
\boxtimes	Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. ☐ This office concurs with the delineation report, datedFeb 2007 by (con:pany): Entrix This office does not concur with the delineation report, datedFeb 2007 by (con:pany): Entrix This office does not concur with the delineation report, dated, prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Tamina, Texas U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. A Natural Resources Conservation Service Soil Survey: Montgomery County Soil Survey National wetlands inventory maps: NWI, Tamina, 1999 & 1983 State/Local wetland inventory maps: (NGVD) Aerial Photographs (Mame & Date): 48339C0530F, Dec 19, 1996 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): 1995 DOQQ and 2004 CIR (Entrix) Other photographs (Date): Site photos Advanced Identification Wetland maps: Site visit/determination conducted on: 3/9/07 Applicable/supporting case law: Other information (please specify):

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG-PE-RE **FILE NUMBER:** 14392(06)/2083

FILE N	UMBER: 14392(00)/2083					
Stat Cou Cer App Nar	CT LOCATION INFORMATION: e: Texas inty: Calhoun ter coordinates of site (latitude/longitude): 28 37 47.7515 - 96 31 12.5590 oroximate size of area (parcel) reviewed, including uplands: .01 acres. ne of nearest waterway: Matagorda Bay ne of watershed: East Matagorda Bay TX HUC 12100401					
HIDICE	ICTIONAL DETERMINATION					
	npleted: Desktop determination Site visit(s) Date: 3/21/2007 Date: 3/21/2007 Date(s):					
Jur	isdictional Determination (JD):					
	Preliminary JD - Based on available information, \square there appear to be (or) \square there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).					
×	Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:					
	There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:					
	There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:					
	There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.					
DACIC (OF JURISDICTIONAL DETERMINATION:					
A.	Waters defined under 33 CFR part 329 as "navigable waters of the United States": The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.					
B. ⊠	Waters defined under 33 CFR part 328.3(a) as "waters of the United States": (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.					
<u> </u>	(2) The presence of interstate waters including interstate wetlands. (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):					
	(i) which are or could be used by interstate or foreign travelers for recreational or other purposes. (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce. (iii) which are or could be used for industrial purposes by industries in interstate commerce.					
	 (4) Impoundments of waters otherwise defined as waters of the US. (5) The presence of a tributary to a water identified in (1) – (4) above. (6) The presence of territorial seas. (7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands. 					

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Matagorda Bay is a navigable water subject to ebb and tide flow, and therefore is jurisdictional under Section 10 of the Rivers and Harobrs Act.

FILE NUMBER: 14392(06)/2083 Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: High Tide Line indicated by: oil or scum line along shore objects clear, natural line impressed on the bank the presence of litter and debris fine shell or debris deposits (foreshore) physical markings/characteristics changes in the character of soil destruction of terrestrial vegetation tidal gages shelving other: as stated by applicant other: Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types. Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: **Basis For Not Asserting Jurisdiction:** The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. \Box Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): DATA REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. , prepared by (company): ☐ This office concurs with the delineation report, dated This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Port Lavaca East, TX U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): Other photographs (Date):

Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify):

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG-PE-RE **FILE NUMBER:** 14392(06)/2096

PROJE	CT LOCA	ATION IN	FORMATION:		
Sta	te:	Texas			
	unty:	Matagoro			
			te (latitude/longitud		28 49 7.9143 - 96 8 35.5806
					g uplands: .01 acres.
			ay: Tres Palacios B		
Na	me of wate	rshed:	East Matagorda Ba	y TX HU	JC 12100401
JURISI	NCTION	AL DETE	RMINATION		
			determination	\boxtimes	Date: 3/21/2007
-	picteu.	Site visit		\boxtimes	Date(s):
		Site visit	(3)	[2]	Date(5).
Ju	risdictiona	l Determi	nation (JD):		
33	United S	tates" and/			, \(\text{there appear to be (or)} \) \(\text{there appear to be no "waters of the nited States"} \) on the project site. A preliminary JD is not appealable
☒		d JD – An l that apply		appealable	action (Reference 33 CFR part 331).
			gable waters of the Approximate size of		ates" (as defined by 33 CFR part 329 and associated guidance) within ional area:
			ers of the United Sta proximate size of ju		efined by 33 CFR part 328 and associated guidance) within the al area:
	There	e are "isolo			te waters or wetlands" within the reviewed area. NCC/Migratory Bird Rule Information Sheet for Determination of No.
BASIS	OF JURIS	DICTION	NAL DETERMINA	ATION:	
					vigable waters of the United States":
	The pres	ence of wa	ters that are subject	to the ebb	and flow of the tide and/or are presently used, or have been used in t interstate or foreign commerce.
В.	Waters	defined un	ider 33 CFR part 3	28.3(a) as	s "waters of the United States":
\boxtimes					sed, or were used in the past, or may be susceptible to use in
	interstate	or foreign	commerce, includi	ng all wate	ers which are subject to the ebb and flow of the tide.
*			interstate waters in		
					e lakes, rivers, streams (including intermittent streams), mudflats,
					t meadows, playa lakes, or natural ponds, the use, degradation or
					nerce including any such waters (check all that apply):
	(i) v	vhich are o	r could be used by i	nterstate o	or foreign travelers for recreational or other purposes.
					be taken and sold in interstate or foreign commerce.
					l purposes by industries in interstate commerce.
			of waters otherwise		
B				er identifie	ed in (1) – (4) above.
			territorial seas.		
Ž; 1	(7) The p	resence of	wetlands adjacent	to other w	vaters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Tres Palacios River is a navigable water subject to ebb and tide flow, and therefore is jurisdictional under Section 10 of the Rivers and Harobrs Act.

FILE NUMBER: 14392(06)/2096 Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: High Tide Line indicated by: clear, natural line impressed on the bank oil or scum line along shore objects the presence of litter and debris fine shell or debris deposits (foreshore) changes in the character of soil physical markings/characteristics destruction of terrestrial vegetation tidal gages other: as stated by applicant shelving other: Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types. Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: **Basis For Not Asserting Jurisdiction:** The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): DATA REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Blessing, TX U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): (NGVD) 100-year Floodplain Elevation is: Aerial Photographs (Name & Date): Other photographs (Date): Advanced Identification Wetland maps: ig. Site visit/determination conducted on:

Applicable/supporting case law: Other information (please specify):

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., BK occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

	CT OFFICE: CESWG-PE-RE UMBER: 14392(06)/2102				
Stat Cou Cen App Nar	e: Texas inty: Matagorda ter coordinates of site (latitude/longitude): 28 44 48.6051 95 59 56.8981 proximate size of area (parcel) reviewed, including uplands: .02 acres. the of nearest waterway: Colorado River the of watershed: East Matagorda Bay, TX HUC 12100401				
	ICTIONAL DETERMINATION npleted: Desktop determination				
Jur	isdictional Determination (JD): Preliminary JD - Based on available information, there appear to be (or) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).				
×	Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:				
	There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:				
	There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:				
	There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of N Jurisdiction.				
A.	OF JURISDICTIONAL DETERMINATION: Waters defined under 33 CFR part 329 as "navigable waters of the United States": The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.				
B. ⊠	Waters defined under 33 CFR part 328.3(a) as "waters of the United States": (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. (2) The presence of interstate waters including interstate wetlands ¹ . (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats.				

- sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
- (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
- (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
- (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- (4) Impoundments of waters otherwise defined as waters of the US.
- (5) The presence of a tributary to a water identified in (1) (4) above.
- (6) The presence of territorial seas.
- (7) The presence of wetlands adjacent to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Colorado River is a navigable water subject to ebb and tide flow, and therefore is jurisdictional under Section 10 of the Rivers and Harobrs Act.

FILE NUMBER: 14392(06)/2102 Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: High Tide Line indicated by: clear, natural line impressed on the bank oil or scum line along shore objects fine shell or debris deposits (foreshore) the presence of litter and debris changes in the character of soil physical markings/characteristics destruction of terrestrial vegetation ☐ tidal gages other: as stated by applicant ☐ shelving other: Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types. Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: **Basis For Not Asserting Jurisdiction:** The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): DATA REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Matagorda, TX U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): Other photographs (Date):

Advanced Identification Wetland maps:

Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify):

Jan.

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., place occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG-PE-RE **FILE NUMBER:** SWG-2007-340

PRO	OJEC	CT LOCATIO	N INFOR	RMATION:		
	State	e:Tex	(as			·
	Cou	nty: Gal	veston			
	Cen	ter coordinates	s of site (la	titude/longitude	e):	Latitude 29° 29' 03.40"N; Longitude 94° 33' 44.19"W
						uplands: 33.91 acres.
				Gulf of Mexico		
		ne of watershe		stal Huc: 1204	10202	
ли	RISD	ICTIONAL I	ETERMI	NATION		
•••		npleted: De			M	Date: 21 March 2007
	Con	-	-	inination	×	
		Site	e visit(s)		2.0	Date(s):
	Juri	isdictional De	terminatio	on (JD):		
	1.7	Preliminary J	D - Based	on available in:	formation,	there appear to be (or) there appear to be no "waters of the
		United States	" and/or "r	navigable water	s of the U	nited States" on the project site. A preliminary JD is not appealable
		(Reference 33				,
		•		,		
) <u>"</u> 4	Approved JD	– An appr	oved JD is an a	ppealable	action (Reference 33 CFR part 331).
		Check all tha				,
		There are	"navigable	e waters of the	United Sta	ates" (as defined by 33 CFR part 329 and associated guidance) within
		the reviewed	area. App	roximate size o	f jurisdicti	ional area:
					•	
		X There are	"waters of	f the United Sta	tes" (as d	efined by 33 CFR part 328 and associated guidance) within the
				mate size of ju		
				-		
		There are				te waters or wetlands" within the reviewed area.
		23	Dec	ision supported	by SWA	NCC/Migratory Bird Rule Information Sheet for Determination of No
			Juri	sdiction.		
BAS	SIS C	F JURISDIC	TIONAL	DETERMINA	TION:	
	A.	Waters defin	ied under	33 CFR part 3	29 as "na	vigable waters of the United States":
	63	The presence	of waters t	hat are subject	to the ebb	and flow of the tide and/or are presently used, or have been used in
						rt interstate or foreign commerce.
		•	·	•		
	В.	Waters defin	ed under	33 CFR part 3	28.3(a) as	"waters of the United States":
	\$3	(1) The prese	nce of wate	ers, which are o	urrently u	sed, or were used in the past, or may be susceptible to use in
		interstate or f	oreign con	nmerce, includi	ng all wate	ers which are subject to the ebb and flow of the tide.
	100					terstate wetlands ¹ .
	157					e lakes, rivers, streams (including intermittent streams), mudflats,
	-					t meadows, playa lakes, or natural ponds, the use, degradation or
						nerce including any such waters (check all that apply):
						or foreign travelers for recreational or other purposes.
						be taken and sold in interstate or foreign commerce.
						l purposes by industries in interstate commerce.
	333					s waters of the US.
						ed in (1) – (4) above.
		(6) The prese			Ci identili	MI III (1) — (4) AUUVE.
	Ž.	(7) The prese	nce of wet	lande adiocent ²	to other "	vaters of the US, except for those wetlands adjacent to other wetlands.
		(/) The prese	nce of wet	ianus aujacent	to other w	values of the OS, except for mose wettands adjacent to other wettands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Wetlands adjacent to the Gulf of Mexico.

FILE NUMBER: SWG-2007-340

	Paral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: Clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other: High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types. Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Basi	is For Not Asserting Jurisdiction: The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
	Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain):
24	Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated prepared by (company): This office does not concur with the delineation report, dated prepared by (company): This office does not concur with the delineation report, dated prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Caplen U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify): Verified Wetland Delineation D-18804, letter dated 29 January 2007.

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG-PE-RE **FILE NUMBER:** 22101(01)

			FURMATION:								
Stat		Texas									
	ounty: San Jacinto										
	enter coordinates of site (latitude/longitude):										
	proximate size of area (parcel) reviewed, including uplands: 0.05 acres.										
	ame of nearest waterway: Lake Livingston										
Nan	ne of wate	rshed:	Trinity River								
			RMINATION	_							
Cor	npleted:	Desktop (determination		Date: 22 March 2007						
		Site visit((s)		Date(s):						
			41 (ID)								
Jur 	risdictional Determination (JD):										
**************************************	Preliminary JD - Based on available information, \square there appear to be (or) \square there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).										
×	Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:										
	There the revie	There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 0.05 acre.									
	There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: acre.										
	There	e are "isolo			te waters or wetlands" within the reviewed area. NCC/Migratory Bird Rule Information Sheet for Determination of No.						
DACIC (SE HIDIS	DICTION	NAL DETERMIN	ATION.							
					wigable waters of the United States".						
A.											
ы	The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.										
В.	Waters	defined un	der 33 CFR part	328.3(a) as	s "waters of the United States":						
X					ised, or were used in the past, or may be susceptible to use in						
					ers which are subject to the ebb and flow of the tide.						
4					iterstate wetlands ¹ .						
	(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudf										
	sandflats	sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or									
	destruction of which could affect interstate commerce including any such waters (check all that apply):										
	(i) v										
	(ii)	from whicl	n fish or shellfish a	re or could	be taken and sold in interstate or foreign commerce.						
		(iii) which are or could be used for industrial purposes by industries in interstate commerce.									
		(4) Impoundments of waters otherwise defined as waters of the US.									
	(5) The p	oresence of	f a tributary to a wa		ed in (1) – (4) above.						
	(6) The p	(6) The presence of territorial seas.									
	(7) The p	presence of	wetlands adjacent	2 to other v	waters of the US, except for those wetlands adjacent to other wetlands.						

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Lake Livingston is a navigable water of the United States.

FILE NUMBER: 22101(01) Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: High Tide Line indicated by: clear, natural line impressed on the bank oil or scum line along shore objects the presence of litter and debris fine shell or debris deposits (foreshore) changes in the character of soil physical markings/characteristics destruction of terrestrial vegetation tidal gages shelving other: other: survey pool elevation Mean High Water Mark indicated by: survey to available datum; physical markings; vegetation lines/changes in vegetation types. Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: **Basis For Not Asserting Jurisdiction:** The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): DATA REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. , prepared by (company): This office concurs with the delineation report, dated This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Blanchard, Texas U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on:

Applicable/supporting case law: Other information (please specify):

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG-PE-RC **FILE NUMBER:** SWG-2007-275

PROJE	CT LOCAT	TION IN	FORMATION:							
Sta		Texas								
		Austin								
			e (latitude/longitud		Lat: 29.45.10 Long: 96.15.11					
	Approximate size of area (parcel) reviewed, including uplands: 12 acres.									
	Name of nearest waterway: Unnamed Tributary to Crooked Branch Name of watershed: San Bernard									
Na	me of waters	snea:	San Bernard							
JURISDICTIONAL DETERMINATION										
Co	mpleted:	Desktop (determination		Date:					
		Site visit(s)	\boxtimes	Date(s): 23 March 2007					
1	distinual	Dotormi	nation (ID):							
Jui			nation (JD):							
	Preliminary JD - Based on available information, \(\subseteq \text{ there appear to be (or) } \subseteq there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).									
\boxtimes	Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:									
		☐ <i>There are</i> "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:								
		☐ There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:								
	☐ There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. ☐ Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of N Jurisdiction.									
BASIS OF JURISDICTIONAL DETERMINATION:										
					vigable waters of the United States":					
	The presen	nce of wa	ers that are subject	to the ebb	and flow of the tide and/or are presently used, or have been used in rt interstate or foreign commerce.					
В.					s "waters of the United States":					
		(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in								
					ers which are subject to the ebb and flow of the tide.					
		(2) The presence of interstate waters including interstate wetlands ¹ .								
					e lakes, rivers, streams (including intermittent streams), mudflats,					
					t meadows, playa lakes, or natural ponds, the use, degradation or					
					nerce including any such waters (check all that apply):					
					or foreign travelers for recreational or other purposes. be taken and sold in interstate or foreign commerce.					
		(iii) which are or could be used for industrial purposes by industries in interstate commerce. (4) Impoundments of waters otherwise defined as waters of the US.								
Ħ				ed in (1) – (4) above.						
	(6) The pr	esence of	territorial seas.							
	(7) The pr	esence of	wetlands adjacent ²	to other w	vaters of the US, except for those wetlands adjacent to other wetlands.					

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

FILE NUMBER: SWG-2007-275 Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: High Tide Line indicated by: clear, natural line impressed on the bank oil or scum line along shore objects the presence of litter and debris fine shell or debris deposits (foreshore) changes in the character of soil physical markings/characteristics destruction of terrestrial vegetation tidal gages shelving other: other: Mean High Water Mark indicated by: survey to available datum; physical markings; vegetation lines/changes in vegetation types. Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: **Basis For Not Asserting Jurisdiction:** The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): DATA REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant.

Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. ☐ Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Cat Spring, TX U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: Austin County, TX National wetlands inventory maps: Cat Spring, TX State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 250D, 16 June 1999 ☐ 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): 1995, 2004 IR Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: 23 March 2007 Applicable/supporting case law:

Other information (please specify):

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.